

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. SERIAL NO. : 10/729,704
APPLICANTS : Guenzler-Pukall, et al.
FILING DATE : 04 December 2003
GROUP ART UNIT : 1654
EXAMINER : Roy R. Teller
DOCKET NO. : FP0602.1 US
TITLE : TREATMENT OF DIABETES

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 C.F.R. 1.114

Dear Sir:

This Amendment and Reply under 37 C.F.R. §1.114 constitutes a Request for Continued Examination (RCE) and is responsive to the Final Office Action dated 23 September 2009 (the Final Office Action) in the above-identified patent application. Applicants filed a Notice of Appeal in this application on 23 March 2010, providing a response deadline of 23 May 2010, extended to 23 October 2010 by the petition for extension of time and fee submitted 13 October 2010, a copy of which is enclosed.

This RCE after final rejection and the accompanying documents, including a reply to the final rejection, are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. §1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated). Accordingly, this RCE is timely filed.

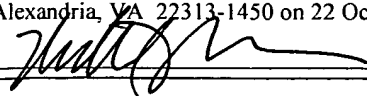
Applicants note that, on 13 October 2010, Applicants mistakenly filed a Response under 37 C.F.R. §1.116 (emphasis added) in response to the Final Office Action in the above-referenced case. This was incorrect as Applicants intended to file a Request for Continued Examination, fully responsive under 37 C.F.R. § 1.114, rather than a Response to Final Office Action under 37 C.F.R. §1.116. Accordingly, Applicants request that the Response to Final Office Action under 37 C.F.R. §1.116 mailed 13 October 2010 be

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Certificate of mailing or transmission under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 22 October 2010.

Name: Michael Moores

Signature: 

discounted as an inadvertent error, and that the accompanying Request for Continued Examination under 37 C.F.R. §1.114 is accepted in place of that previous incorrect submission.

Applicant claims small entity status under 37 C.F.R. 1.27.

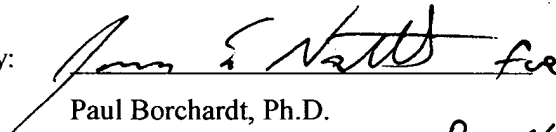
The Commissioner is hereby authorized to charge any fees necessary in this communication to Deposit Account No. 50-0811, referencing Docket No. FP0602.1 US.

Please call Applicant's representative at 415-978-1748 with any questions regarding this communication or the above-identified application.

Respectfully submitted,

Date: 22 October 2010

By:

 for

Paul Borchardt, Ph.D.
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